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2/21/02
PATENT

Attorney Docket No. 19036/37156

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

FEB 15 2002

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Applicants: Yamada *et al.*

Appl. No. 09/763,836

Filed: 27 February 2001

For: NUCLEIC ACID
SEQUENCES AND
METHODS FOR
ENHANCING EXPRESSION
OF A USEFUL GENE

Group Art Unit: 1632

Examiner: S. Pappu

) I hereby certify that this paper and the
) documents referred to as enclosed therein
) are being deposited with the United States
) Postal Service as first class mail, postage
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) 20231.

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is in response to a restriction requirement dated December 28, 2001, wherein the examiner alleged that pending claims 1-6, 8-18 and 20-46 were directed to three distinct inventions and required restriction. Reconsideration is requested in view of the following remarks and election.

REMARKS

I. Preliminary Remarks

Applicants thank Examiner Pappu for the courtesy of the telephonic interview on January 23, 2002 with applicants' attorney, Dr. Cawley. During the interview, examiner Pappu agreed with applicants that the scope of claim 1 includes both SEQ ID NO:1 and SEQ ID NO:7 and that these two sequences are merely variants of each other. In light of this conclusion, the examiner concluded that a search for SEQ ID NO:1 would reveal sequences that are similar to SEQ ID NO:7; therefore, the examiner decided to rejoin the original Groups I and II in to New Group I,